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PERMANENT SOVEREIGNTY OVER NATIONAL RESOURCES IN THE OCCUPIED PALESTINIAN AND OTHER ARAB TERRITORIES

Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the Syrian Golan

Note by the Secretary-General

In its resolution 1995/49 of 28 July 1995, entitled "Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan", the Economic and Social Council requested the Secretary-General to submit to the General Assembly at its fifty-first session, through the Council, a report on the implementation of the resolution. The General Assembly, in its resolution 50/129 of 20 December 1995, reiterated that request. The Secretary-General has the honour to submit to the members of the Assembly and the Council the annexed report, covering the period from April 1995 to March 1996, which was prepared by the Economic and Social Commission for Western Asia.

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ANNEX

Report prepared by the Economic and Social Commission for Western Asia

1. The establishment of Israeli settlements in the Palestinian and other Arab territories occupied since 1967 has been the subject of various resolutions of the Security Council and the General Assembly. In its resolution 446 (1979) of 22 March 1979, the Council determined that the Israeli policy and practice of establishing settlements in those territories had no legal validity and constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East. That position was reaffirmed unanimously in Security Council resolution 465 (1980) of 1 March 1980, in the preamble of which the Council took into account the need to consider measures for the impartial protection of private and public land and property, and water resources, and affirmed the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/ to the Arab territories occupied by Israel since 1967, including Jerusalem. In 1980, the International Labour Conference also expressed concern regarding the establishment of settlements and called for an end to that policy, as well as the dismantling of existing settlements.

2. At its fiftieth session, in 1995, the General Assembly, having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/50/170, A/50/282 and A/50/463), adopted resolution 50/29 A of 6 December 1995, in which, inter alia, it expressed its concern about the continued violation of the human rights of the Palestinian people by Israel and reaffirmed in particular that the Israeli settlements in the occupied territory, including Jerusalem, and the other Arab territories occupied by Israel since 1967 were illegal and an obstacle to a comprehensive settlement.

3. In its resolution 50/129 of 20 December 1995, the General Assembly took note of the note of the Secretary-General on the economic and social consequences of the establishment of settlements by Israel in the territory, including Jerusalem, occupied since 1967, and the Syrian Golan (A/50/262-E/1995/59); recognized the economic and social repercussions of the Israeli settlements on the Palestinian people in the territory occupied by Israel since 1967, including Jerusalem, and on the Arab population of the Syrian Golan; reaffirmed the inalienable right of the Palestinian people and the population of the Syrian Golan to their natural and all other economic resources, and regarded any infringement thereof as being illegal; and requested the Secretary-General to submit to it at its fifty-first session, through the Economic and Social Council, a report on the progress made in the implementation of the resolution. The present report is submitted in response to that resolution.

4. The building of settlements began shortly after the Six Day War in 1967, with the first being established in the Syrian Golan. Since that time, that policy has been developed more or less intensively and has accelerated since the

beginning of 1990. 2/ Financial and tax incentives offered by the Government encourage settlers to make their homes in the occupied territories.

5. The signature on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization of the Declaration of Principles on Interim Self-Government Arrangements (A/48/486-S/26560, annex) was a landmark in the history of Israeli-Palestinian relations. The Declaration states in its article I that the aim of the Israeli-Palestinian negotiations is to establish a Palestinian Interim Self-Government Authority, the elected Council for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council resolutions 242 (1967) and 338 (1973). The issue of settlements, in this Declaration, was deferred to the permanent status negotiations phase, which should start not later than the beginning of the third year of the interim period.

6. On 4 May 1994, the Palestinians and the Israelis concluded an agreement in Cairo for the implementation of the Declaration of Principles (A/49/180-S/1994/727, annex). On that date, the interim period formally began. Soon after the Cairo agreement, the Israeli army completed its withdrawal from the Gaza Strip, but left some forces in the area surrounding 16 Israeli settlements occupied by approximately 4,000 settlers.

7. On 28 September 1995, in Washington, D.C., Israel and the Palestine Liberation Organization (PLO) signed the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip, referred to hereafter as Oslo II. This accord detailed the mechanisms, and the limitations, of the extension of Palestinian self-rule to significant portions of the West Bank. The main feature of the Agreement was the provision for the division of the West Bank into three areas, each with varying degrees of Israeli and Palestinian responsibility. Area A consists of the seven major Palestinian towns, Jenin, Kalkiliya, Tulkarm, Nablus, Ramallah, Bethlehem and Hebron, in which Palestinians will have complete authority for civilian security. In area B, which comprises all other Palestinian population centres (except for some refugee camps), Israel will retain "overriding security responsibility", while in Area C, which includes all settlements, military bases and areas, and state lands, Israel will retain sole security authority. 3/

8. Oslo II provided the opportunity for the redeployment of the Israeli army, allowing the Palestinian National Authority to assume its civil and security responsibilities according to the schedule provided for in the Agreement. Indeed, the Israeli army began its withdrawal from Jenin on 13 November 1995, followed by Tulkarm on 10 December 1995, Nablus and other villages in the Tulkarm area on 11 December 1995, Kalkiliya on 17 December 1995, Bethlehem on 21 December 1995 and finally Ramallah on 28 December 1995. Withdrawal from Hebron, however, was postponed to the end of March 1996, and the 120,000 Palestinians living there and the surrounding areas were deprived of their freedom because of the presence of 400 settlers for whom the Government of Israel insisted on providing full protection before redeployment (see para. 21 on construction of bypass roads). By the end of March 1996, withdrawal from Hebron had been postponed indefinitely following a unilateral decision by the

Government of Israel in the light of the prevailing security conditions in Israel and the occupied territories.

9. Oslo II also opened the way for free elections in the West Bank and Gaza Strip, allowing the Palestinians to elect 88 members and a President for a Legislative Council entrusted with drawing up a constitution for the work of the Palestinian Authority as well as establishing the necessary legislation. The elections were held on 20 January 1996 under fair conditions, according to international observers, and with the participation of around 1 million voters.

10. The first indications on the thinking of Israeli politicians concerning the future of the occupied territories, including Jewish settlements, came in a statement by the late Israeli Prime Minister Yitzhak Rabin to the Knesset on 5 October 1995 during the discussion of Oslo II. In that statement, he explained his views on the requirements of the final phase: "The security border of the State of Israel will be located in the Jordan Valley, in the broadest meaning of that term." Mr. Rabin also spoke of "changes which will include the addition of Gush Etzion, Efrat, Betar and other communities [settlements] ... in the area east of what was the 'Green Line', prior to the Six-Day War" and of "the establishment of blocs of settlements in Judea and Samaria, like the one in Gush Katif". 4/

11. Less than two weeks later, Prime Minister Rabin again spoke publicly of his vision of a final settlement with the Palestinians, emphasizing the importance of settlement blocs. He stressed that the country's final borders would include - in addition to a united Jerusalem - Maaleh Adumim, Gush Etzion, Efrat, Betar and other settlements east of the Green Line. 5/

12. Successive statements by Israeli officials in the new Government formed by Shimon Peres after the assassination of Yitzhak Rabin have confirmed this direction, which was adopted by the Israeli Labour Party. The Israeli press quoted Minister Yossi Beilin as supporting the idea of gathering settlers in large settlement blocs to be under Israeli authority after the application of the final settlement. For those settlements which would not fall under Israeli sovereignty, he said: 6/

> "We will not suggest to anyone to evacuate or uproot the settlements. It will be up to the settlers themselves to remain in an area outside Israeli sovereignty or to move to another area and to get the help of the Government in this matter."

13. It appears from the official Israeli statements that, in the context of a final settlement, the Government of Israel intends to gather Jewish settlers in settlement compounds with centres in the large settlements of Jerusalem, Bethlehem, Tulkarm, Kalkiliya (settlements close to the Green Line called "five minutes from Kfar Sava") and Nablus. Jewish settlements in the Jordan Valley will remain under Israeli control. During his meeting with heads of Jewish settlements in the Jordan Valley, Prime Minister Shimon Peres assured them that after the final settlement their settlements would remain under Israeli control, avoiding the use of the term "Israeli sovereignty". 7/ He also stated his commitment before the heads of the Gush Etzion settlement to integrate their settlements into Israel after reaching the final settlement. 8/ On the other

hand, the Government will work on the evacuation of about 40 small Jewish settlements and offer the settlers the choice of either moving to other areas (within the Green Line or the settlement blocs) and receiving compensation, or remaining where they are according to certain arrangements to be agreed upon with the Palestinians. 9/ This explains what an Israeli minister meant when he said that there was a difference between keeping settlements and keeping settlers. 10/

14. The progress in the peace process with the Palestinians, in particular the implementation of Oslo II and the redeployment of the Israeli Army and its evacuation of agreed areas, has led to a slight but growing change in the attitude of Jewish settlers concerning the future of the settlements and their own future in the occupied territories. According to a Modi'in Ezrahi survey commissioned by the Peace Now movement and conducted on 17 August 1995 among a representative sample of Jewish settlers, 32 per cent of the settlers said they would be willing to leave their settlements if offered reasonable compensation, while 26 per cent said they would stay in their settlements under any conditions. Fifteen per cent of the settlers said they would surely be willing to leave and another 17 per cent said they thought they would. The poll found that willingness to leave increased in proportion to the distance of the settlement from Jerusalem, in places such as Ariel, Emmanuel, Alfei Menasheh, and Kiryat Arba. Asked what they would do if their settlements were not included in Israel's boundaries in the final agreement with the Palestinians, 26 per cent said they would stay in the settlements under any conditions, 29 per cent said they would stay if security remained in the hands of the Israel Defence Forces (IDF), 25 per cent said they would prefer moving within the Green Line and 8 per cent said they would move to another settlement in the territories. 11/

15. In another survey conducted by the Modi'in Ezrahi in January 1996, 5 per cent of settlers from Ariel, Emmanuel, Alfei Menasheh, Maaleh Ephraim and Kiryat Arba said they were willing to leave their settlements if offered reasonable compensation. Of those, 16.3 per cent said they would surely be willing; 18.5 per cent said they thought they would; and 16.3 per cent said they had not yet decided but they might be willing. 12/

16. In practical terms, Israeli parliament sources have confirmed that 600 Jewish settler families have voluntarily abandoned their dwellings in the settlements of the West Bank and the Gaza Strip since the signing of the Oslo Agreement. According to those sources, a large number of other families wish to leave the settlements but have not received the necessary support from Israeli authorities. 13/ That position was confirmed by the refusal of Prime Minister Shimon Peres, during an interview, to pay any compensation to settlers who wished to leave their settlements, saying that as long as the authorities did not request the settlers to evacuate their settlements, they would not receive any compensation. At the same time, press sources indicated that hundreds of Jewish families living in West Bank settlements had started organizing themselves into a special association aiming at preparing for their departure in exchange for compensation. The Peace Now movement, which stands behind this initiative, held several meetings attended by hundreds of settlers, especially in the Kiryat Arba, Karnei Shomron and Emmanuel settlements. 14/ In the Kiryat Arba settlement, an association was formed under the name of Settlers for

Voluntary Evacuation. Those responsible for this association said they had a list of 200 families interested in evacuating the settlement in exchange for compensation. 15/ The Peace Now movement asked the Government of Israel to provide those settlers with financial assistance, indicating that their number had increased since the assassination of Prime Minister Yitzhak Rabin. 16/ The movement also protested to the Israeli Head of State for refusing to receive representatives of the settlers who were members of the association.

17. One major Israeli newspaper published a lengthy report based on official sources in which it confirmed the existence of secret contacts in European capitals between leaders of some Israeli settlements and Palestinian businessmen for the sale of houses in the settlements and even whole settlements. According to the newspaper, many settlers felt frustrated by the current situation. Leaders of several settlements, such as Elkanah and Itzhar, were negotiating the sale of houses and properties in their own and other settlements after agreeing on appropriate prices. Such contacts were being carried out with the knowledge - but not the intervention - of both the Government of Israel and the Palestinian Authority. 17/ This pragmatic approach on the part of some Jewish settlers represents a new phenomenon, but it is not that of the majority.

18. In mid-June 1995, the settlers began implementing a comprehensive scheme called "Land of Israel First", devised by the Council of Jewish Settlements in Judea and Samaria. The aim of the scheme was to prevent the redeployment of the Israeli Army outside Palestinian towns and villages, as called for in the agreement signed with the Palestinians. The scheme called for seizing government lands neighbouring the settlements, occupying empty houses and opening access roads in the settlements. Thus, on 13 June 1995 dozens of settlers occupied 13 empty houses in the Barkan settlement near Nablus. Three families and 20 bachelors settled on this location, which has been called Maaleh Israel. 18/ On 17 July 1995, settlers moved six mobile homes onto a hill near the Efrat settlement and 12 families occupied empty houses in Kiryat Arba settlement. 19/ At the end of October 1995, the settlers were continuing their campaign to occupy hundreds of houses in the settlements. Referring to declarations made by the Israeli Minister of Construction and Housing in which he estimated empty houses in the settlements at 3,300, Israeli newspapers reported that 12 settler families had entered empty houses in the Maaleh Haifer settlement in the Hebron area without formal authorization and 45 houses in Kiryat Arba continued to be occupied by settlers.

19. Though the Ministry of Housing officially denied having information on this matter, a Ministry of Housing document obtained by Peace Now shows that there have been 612 instances of settlers squatting in the empty apartments. That figure includes 44 in the settlement of Meitzad in Gush Etzion, 31 in Avnei Khefetz, 34 in Barkan, 31 in Yakir, 38 in Alei Zahav and 83 in Eli. That number, however, does not include dozens of settlers who squatted in flats in Ariel and to whom the Government agreed to sell the homes. 20/

20. The settlers intensified their campaign in what the Israeli and Arab press called the "war of the hills". In early August 1995, the settlers established 15 settlement locations on West Bank hills near Sussiah, Alon More, Alfe Menasheh, Neve Samuel, Karnei Tsur, Neve Daniel, Givat Zeev, Ofra, Dolev and other settlements. With the support of extreme right-wing parties, the settlers

were able to stage a demonstration aimed at closing all major roads, streets and crossroads in the West Bank and inside Israel. The Israeli press and television said that the settlers' protests involved more than 40 major roads. 21/

21. During the period under review, the seizure of Arab lands and their exploitation took on many forms and methods, including for the construction of bypass roads and security fences between the occupied territories and Israel. The Government of Israel had in fact committed itself to the construction of bypass roads and to providing everything necessary for the security of Jewish settlers during the transition period. During the discussion of the Oslo II Agreement in the Knesset on 5 October 1995, the late Prime Minister Yitzhak Rabin stated: 22/

> "Activity for providing security measures for the Israeli communities - fences, peripheral roads, lighting, gates - will continue on a wide scale. Bypass roads will be built, whose purpose will be to enable Israeli residents to move about without having to pass through Palestinian population centres in places which will be transferred to the responsibility of the Palestinian Authority. In any case, the IDF will not carry out a redeployment from the first seven cities before the bypass roads are completed. In all, investment in the bypass roads will be about 500 million new shekels [$166 million]."

In that regard, Mr. Rabin explained that the postponement of redeployment in Hebron to March 1996 was caused by the inability to complete the bypass roads in the area before that date.

22. In May 1995, Israeli press sources indicated that the Israeli Army was to begin construction of 11 bypass roads at a cost of NIS 300 million. 23/ The total length of those roads was estimated at 130 kilometres.

23. The first bypass around Jericho was inaugurated on 1 August 1995 in the presence of the late Prime Minister Yitzhak Rabin, 24/ and in December the Ramallah bypass was inaugurated in the presence of the Israeli Minister of Construction and Housing and the military commander of the central zone as well as representatives of the settlers.

24. The construction of settlement bypass roads and other streets in the course of 1995 required the confiscation of thousands of dunums of Arab land in various parts of the West Bank. (A dunum is a unit of land area equal to 1,000 square metres.) In the areas of Nablus and its villages, Jenin, Tulkarm, Kalkiliya, Ramallah, Bethlehem, Hebron and Jerusalem, the Israeli civil authorities issued tens of orders for the confiscation of Palestinian lands. Military chiefs also issued military orders to seize and/or close hundreds of dunums of land. Defence Committee sources indicate that the amount of land confiscated for the construction of settlement roads totalled 18,000 dunums. 25/ These expropriations led to thousands of Palestinian families being deprived of their only livelihood, since most of the lands were planted with crops and olive and fruit trees. In some areas, the confiscations resulted in damage to archaeological or religious sites and in other locations threatened to destroy houses where Palestinians lived.

25. Affected Palestinians expressed their protests, formed committees to defend their threatened lands and presented their objections to the relevant Israeli authorities and courts. In several locations, inhabitants maintained a presence in their homes for a number of days, attempted to prevent bulldozers from working on their lands and said prayers on them. Israeli left-wing and environmental protection groups took part in the protests. For the first time, a small group of Jewish settlers from areas around Halhoul participated in a demonstration to protest the confiscation of 2,700 dunums of agricultural land for the construction of a bypass road in the Hebron area. 26/ Protests also emanated from the Palestinian Authority, with an official saying that bypass roads and land confiscations for their construction had gone beyond their stated objective. The aim now was to confiscate more land at any price, destroy cultivations, dissolve the geographical uniformity of Palestinian cities, towns and villages, halt urban and demographic expansion and establish a new reality in the occupied territories where Israeli authorities would be in permanent control. Moreover, the way such roads were being constructed, the Palestinians feared, indicated that they would remain permanently, maintaining the de facto situation and the presence of settlements and settlers in the West Bank. 27/

26. As for the so-called demarcation wall or security fence, the Israeli society and politicians have discussed extensively the feasibility and possibility of implementing the full separation between the occupied territories and Israel. However, after work began to implement the separation plan prepared by the Israeli Army and approved by the Prime Minister in March 1995 (which involved the establishment of a 30-kilometre security zone east of the Green Line with observation posts, an early warning system, advanced technological techniques and trained dogs at a cost of half a billion United States dollars), the Government reversed its position and froze the implementation of the plan. However, political developments, especially the assumption by the Palestinian Authority of its administrative and security responsibilities in both areas A and B (see para. 7), pressure from supporters of the separation plan in Israeli security circles and the pretext of defending settlements on the demarcation line led the Security Committee to draw up a new plan for a security wall. According to declarations made by the Israeli Minister of Police, there were 83 Jewish settlements on the demarcation line that would be protected through cooperation between the Israeli Army and the police and the construction, north of the West Bank, of a 12-kilometre security wall separating the West Bank from Israel and equipped with special electronic devices and 18 central checkpoints. 28/ Despite instructions from the legal adviser of the Government of Israel not to confiscate Palestinian land and to build the wall within Israel, except when it was not possible to do so, Palestinians said that the Israeli authorities had informed them of the confiscation of unspecified parts of their lands in the Tulkarm and Kalkiliya areas for the purpose of constructing the wall. 29/

27. At the end of 1995, the Government of Israel decided to freeze the construction of the security wall. 30/ However, the series of suicide bombings witnessed by Israel in February and March 1996 prompted the Government to announce a comprehensive plan to counter them. Israeli Prime Minister Peres, who had always opposed proposals to separate the two peoples, agreed to the proposals of the Security Committee to build the security wall and deploy heavy military and police forces along the Green Line, surrounding an area

360 kilometres long and 2 kilometres wide. There would be 18 checkpoints to control the traffic of goods and persons over a period of about one year. In the area of Tulkarm and Kalkiliya, a 29-kilometre-long electronic fence would be erected and Palestinians would be prevented from entering the area, except for landowners, to whom Israel would give special entry permits. 31/

28. Sources from the Centre for Land Research in East Jerusalem estimated the total area of expropriated Palestinian land in 1995 at 18,180 dunums. Of those, 3,500 dunums were seized as state land, 8,900 for settlement purposes, 1,100 for military purposes and 4,680 for public projects. 29/ Furthermore, Palestinian sources, namely, the Land and Water Agency, indicated that between the signing of the Declaration of Principles in September 1993 and the end of 1995, Israeli authorities had confiscated 230,000 dunums under various pretexts relating to the establishment of natural reserves, the opening of bypass roads, the expansion of settlements or, again, the security wall. 32/

29. Most of the official and non-official Israeli settlement activities of 1995 and the beginning of 1996 were concentrated in the Jerusalem area. Israel has implemented a number of measures targeting the Arab presence in the City, including harassment and closure of Palestinian institutions in Jerusalem; withdrawal of Israeli identification cards from Palestinians registered in Jerusalem and living outside the City limits; and direct and indirect interference in the elections for the Palestinian Legislative Council in Jerusalem by spreading rumours about depriving voters of their civil and social rights, harassment of candidates and deploying a heavy security presence on election day and obstructing voters' access to the polls. By implementing these and other measures relating to the confiscation of Palestinian land in the Jerusalem area and the intensification of settlement activity there, Israel has attempted to influence the results of the "final status" negotiations called for in the Declaration of Principles and due to start in May 1996, with the issue of Jerusalem one of the crucial issues to be addressed. 33/

30. In a publicly broadcast ceremony in honour of the twenty-eighth anniversary of "Jerusalem's reunification", Prime Minister Yitzhak Rabin declared: 34/

> "All Governments of Israel, including the present Government, have been fully confident that what was determined in 1967, what was legislated in 1988 - transforming Jerusalem into a unified City under Israeli sovereignty, the capital of Israel, the heart of the Jewish people - these are facts that will endure for eternity ... The cabinet will act to strengthen the status of united Jerusalem as the exclusive capital of Israel, and will fight any attempt to impair this status."

31. On 14 March 1995, the Israeli authorities announced the expropriation of 2,040 dunums of land in the villages of Sheevat, Anata and Issawiya, near Jerusalem, in accordance with the electricity rights law, for the purpose of installing a 161-kilowatt power line to supply electricity to the area between Ramon settlement and Al-Khan Al-Ahmar region. 33/ In April the Israeli Minister of Finance issued a decree involving the confiscation of 535 dunums of Arab land in the towns of Beit Hanina and Beit Safafa. This was seen by observers as the most important expropriation decree in five years. Officials of the Jerusalem municipality said that this expropriation was a first step towards

expropriations of a larger scale. Deputy Mayor Uri Lupoliansky said that the municipality had also requested that expropriations be carried out for Jewish housing projects near Pisgat Zeev and Gilo. Officials close to the planning department confirmed that an additional 4,400 dunums had been earmarked, including about 800 dunums near Pisgat Zeev, 2,000 near Walleja village, 800 near the Mar Elias Monastery and another 800 near Givat Hamatos. 35/

32. The decision provoked indignation and rage among Palestinians and in Arab, Islamic and international circles. The non-aligned countries in the United Nations submitted a draft resolution to the Security Council rejecting the expropriation of land in Jerusalem by the Israeli authorities and requesting the Government of Israel to cancel expropriation decrees and stop expropriations in the future. However, a veto by the United States of America prevented the adoption of the resolution. In Israel itself, the expropriation decision faced a great deal of criticism from members of the Government, left-wing parties and anti-settlement movements.

33. Jerusalem City Councilman Ornan Yekutieli (Meretz) asked the Israeli High Court of Justice to stop the planned expropriation. In his petition he argued that the expropriations of Arab-owned land violated the Basic Law: Human Dignity and Freedom because the Government was not according Jerusalem's Arab population basic equality. The petition read: 36/

> "Since 1967, all new neighbourhoods built in Jerusalem have been for Jews, though most of the land confiscated for this purpose was taken from Arabs. In some 32 per cent of Arab households in the City, people live three or more to a room, compared with only 2.4 per cent of the Jewish population. In addition, though Arabs constitute 28 per cent of Jerusalem's population, only 12 per cent of construction since 1967 has been earmarked for them, and only 5 per cent of construction since 1990."

Absorption Minister Yair Tzaban also confirmed in a statement that: 35/

> "The expropriation of land belonging to Arab residents for the purpose of building or expanding Jewish neighbourhoods is done with complete disregard for the housing needs of Arab residents of Jerusalem."

34. The Government later froze the implementation of the decision in response to a proposed no-confidence motion presented to the Knesset by two Israeli parties. 37/

35. A day after the Government shelved its expropriation plans, the Jerusalem district planning committee of the Ministry of Interior approved the construction of the Har Homa settlement in south-eastern Jerusalem. The project, which would eventually include around 6,500 housing units, was to be built on some 1,850 dunums of land expropriated four years before. 38/

36. On the other hand, Khalil Al-Tafkaji, a Palestinian researcher, revealed that what remained of the Jerusalem area occupied since 1967 for potential use by Arab inhabitants no longer exceeded 4 per cent. In a study on settlements in Jerusalem entitled "The Judaization of Jerusalem: facts and numbers", 39/ he indicated that since June-July 1967, the Israeli authorities had confiscated

33 per cent of the City's area directly for settlement purposes. Another 40 per cent had come under their control as a result of new maps having been drawn wherein the size of Arab neighbourhoods and villages was reduced and only a limited area within them was designated for building, thus bringing the total area of Jerusalem under Israeli control to 73 per cent, with the addition of 6 per cent already designed for the construction of roads. The remaining 21 per cent was in Arab hands, of which 10 per cent was inhabited and 7 per cent was unplanned, rendering it vulnerable to expropriation or sale because of the high taxes imposed by the Israeli authorities. Arabs were thus left with a mere 4 per cent of the area of Jerusalem for any future utilization by the Palestinians, which was currently the subject of an unbalanced fight in which the Israeli side had the upper hand.

37. In a study on expropriation of Arab land in Jerusalem, Merom Benvenisti, a researcher on settlements and a former member of the Municipal Council of Jerusalem, refuted claims and declarations by Israeli officials that expropriations affected both Arabs and Jews. He said that there were no similarities between confiscated Jewish and Arab lands. Whereas Jews were ready to accept compensation or replacement land taken from the Arabs, an Arab would never accept land confiscated from another Arab. Mr. Benvenisti also described the physical maps of Arab neighbourhoods prepared by the Israeli authorities as misleading tricks. Projects in the Jewish sector were carried out by official, public and private entities with large financial advantages and marketing personnel. Jews approved for themselves thousands of building permits in a single session of the committees for quick planning, while Arabs lingered for years with planning committees that worked according to political instructions. 40/

38. As for strengthening Jewish settlements in Jerusalem, Israeli press sources indicated that 11,000 housing units were being constructed as at the beginning of 1996, and thousands more were being planned. According to those sources, the Israeli Army had recently completed the evacuation of a camp in the Neve Yaacov area north of Jerusalem in preparation for the construction of 1,100 settlement housing units linking the settlements of Pisgat Zeev and Neve Yaacov to Street Nos. 13 and 1. These houses were to be built on land from the Palestinian town of Beit Hanina that had been confiscated in the early 1980s. Quoting information that was available to the Planning Department in the Municipality of Jerusalem, press sources indicated that plans had been drawn up for the construction of 33,458 housing units for Jews against 15,120 for Arabs in order to increase the Jewish population of Jerusalem by 120,000. Published figures include planned construction of Jewish housing units in Pisgat Zeev (4,000 units), Har Homa (7,500 units), Sheevat Hill (2,200 units), Gilo (7,000 units) and Jevat Hamtus (1,800 units). 41/ Israeli sources further indicated that the interministerial committee on settlements would at its next meeting consider plans to construct 3,000 new housing units in Maaleh Adumim, 500 in Gush Etzion and more than 1,000 each in the Betar and Kiryat Sefer settlements. 42/

39. A government committee had already approved the project, financed by settlement associations, for the construction of 132 housing units for religious Jews on an area of 15 dunums in the Arab-populated Ras Al-Amud area, 2 kilometres east of Jerusalem. The project was stopped by the Israeli Minister of the Interior, who refused to approve it owing to the criticism from his

colleagues in the Government and from members of the Municipal Council of Jerusalem. 43/ However, the intervention of the Prime Minister led to the approval of the project. 44/

40. Regarding settlement roads in the Jerusalem area, Palestinian sources said that the Israeli Supreme Court had, in March 1996, approved decisions by Israeli military authorities to construct Streets 4 and 45 in Jerusalem while it was still looking into an appeal against the construction of Street 1. According to those sources, Street 4 crossed into the lands of Beit Hanina, Rafat and Jadira from the south, linking the Givat Zeev settlement with the Ramut settlement established on lands from Beit Aksa and Beit Hanina. Street 45 linked the Givat Zeev settlement with the Rift Valley area, whereas Street 1 crossed into the village of Sheevat in order to link the Jerusalem settlements with the Neve Yaacov settlement. Its construction would lead to the destruction of 17 houses in Sheevat and Beit Hanina and the confiscation of 380 dunums ordered by the Israeli authorities since September 1995. 45/

41. In the Jewish settlements of the West Bank, official settlement activity was in harmony with the vision of Israeli politicians for the future of those settlements after the transition phase. In that context, activities aimed at strengthening settlements were concentrated during 1995 in the Jewish settlements near Jerusalem the Gush Etzion settlements, and settlements close to the Green Line.

42. According to a report published by Peace Now, 1,400 new housing units had been started since the beginning of 1995 in Jewish settlements over the Green Line, most of them in the Greater Jerusalem area. The group said that this was the largest number of building starts in the territories in three years. Altogether, 6,000 housing units were under construction to provide housing for 25,000 people. The report was strongly attacked by the Israeli Minister of Housing, who called it grossly irresponsible and accused the group of creating a possible international backlash against housing in parts of Jerusalem such as Pisgat Zeev and nearby towns (settlements) such as Maaleh Adumim. 46/

43. Press sources also indicated that during 1995 government building activities in West Bank settlements had reached 1,800 housing units, 1,528 of which were in settlements close to Jerusalem and 272 in the rest of the West Bank settlements. 47/

44. In the settlements near Jerusalem during the first four months of 1995 construction was begun on 1,126 units. During the second quarter, 224 units were begun. Most of this construction was occurring in Beitar (718) and Maaleh Adumim (616) as part of the 4,100 units approved by the Government in January. The Ministry of Housing intended to start building 2,285 units in the Jerusalem region during 1995. 48/

45. In the settlements of Gush Etzion, the Chairman of the Regional Council confirmed that work had started on a project to build a large industrial area. He said that everything was proceeding in a legal manner with the approval of the authorities concerned. 49/ Israeli parliamentary sources revealed that the Government of Israel was planning to build a new settlement in Gush Etzion called Shvut Rahil-B. A number of mobile homes had already been installed at

the site and the Ministry of Housing was studying the developments there. 50/ The Minister of Finance had said that the settlements of Gush Etzion represented large reserves of land and that he would recommend intensifying and expanding the construction of settlements there so as to have a de facto situation imposed during the final stage of the peace negotiations. He reportedly declared that it was no secret that the Government considered those neighbourhoods (i.e. the neighbourhoods close to Jerusalem) and others, such as Maaleh Adumim and Gush Etzion, an integral part of the future map of Israel. 51/

46. As for the settlements close to the Green Line, Israeli press sources reported the Minister of Housing as saying his Ministry had prepared the blueprints for a new neighbourhood for religious Jews within the Green Line called "Mattiyahu", near the settlement of Kiryat Sefer (west of the city of Ramallah), and for the Hashmonaim neighbourhood, also within the Green Line, so that the three sites would become one settlement with 12,000 housing units. The sources reported that the Government of Israel had made several proposals concerning the religious Jews in an attempt to appease the religious parties by building housing units especially for the religious Jews in fulfilment of promises made to those parties in return for their support for the Government in the Israeli Knesset and for their agreeing to refrain from voting in a no-confidence vote proposed by the Yemenite opposition. 52/

47. At the beginning of 1996, the Israeli Prime Minister ratified the establishment of a new settlement close to the Green Line in the region of Ramallah to house the officers and soldiers of the Israeli regular forces and their families. The new settlement will have 680 housing units and will be part of the new Israeli town of Mawdiein once it is completed. 53/ In the northern part of the West Bank, the Government of Israel provided land and many other facilities to official and semi-official authorities for the construction of five factories in the industrial area of the Shaked-Hinnanit-Reihan settlement bloc, west of Jenin, at a cost of US$ 8 million. The total area of construction will be 18,000 square feet. Reports said that there were efforts under way to annex the industrial area of 50 dunums to an existing park belonging to the Israeli village of Um al-Fahum, 1.5 kilometres distant. 54/

48. The Ministerial Committee for Planning and Construction, which is responsible for studying and approving plans and projects for settlements in the occupied territories, has not convened a meeting since January 1995. It is expected that once the Committee meets it will study and approve various settlement projects in the West Bank, including the establishment of new settlements and adding thousands of new housing units to already established settlements. 55/

49. As for the Jewish settlements in the occupied Golan Heights, official and local efforts to strengthen those settlements by building new neighbourhoods and bringing more settlers to live in them have continued. Sources said that there was a mass influx of newcomers to Katzrin, which has experienced a population boom in the past year. Golan regional council officials revealed in August 1995 that 120 families had been absorbed into existing settlements in the preceding two months alone. The council's chairman said they were optimistic that the number of new families coming to live in the region, apart from Katzrin, would top the 1,000 mark within a year. He added that the council was continuing to

develop and expand the existing infrastructure and increase work places, in particular in industry, tourism and agriculture, to meet the newcomers' needs. 56/

50. In addition to land seizure, the building of settlements and the expansion of those settlements, water utilization in the occupied territories remains one of the problems that adversely affect the lives of Palestinians and their economic and social conditions. Israel and the Palestinian Authority reached an initial agreement in July 1995 on the issue of water in the occupied territories. Water rights and methods of utilization in the West Bank will be determined in the final-stage negotiations and a tripartite Israeli-Palestinian-American committee will be formed to discuss water-related issues such as utilization and distribution, and the supervision of the utilization and development of new sources of water. The agreement on water issues was one of the most difficult subjects that the two parties had to discuss, even threatening the negotiations of the transitional stage.

51. According to Israeli press sources, the western, northern and north-eastern aquifers that flow under the West Bank hills produce 600 million cubic metres per year, from which Israel draws 490 million cubic metres and the Palestinians 110 million cubic metres. The Palestinians' quota of water has been fixed since 1967, despite the growing population, while Israel's needs have grown even faster. These aquifers supply 30 per cent of Israel's water consumption. 57/ Palestinians argue that this division of water is patently unfair, especially since only 20 per cent of the water flows under the Israeli side of the Green Line.

52. Following a meeting with the Chairman of the PLO, Yasser Arafat, and Egyptian President Hosni Mubarak in July 1995, Shimon Peres (then Minister for Foreign Affairs) insisted that any new water arrangement would not come at Israel's expense. He said that there would be no division of what already existed, but an effort to create new water sources. 58/

53. In August 1995, Israeli television broadcast a report on the severe shortage of water in the West Bank town of Hebron. The report showed dried-up fields that were supposed to sustain the Arab residents. In contrast, the report also showed scenes from the settlement of Kiryat Arba with green and flowering gardens owned by the settlers, thus revealing the extent of inequality in water distribution. 59/

54. A Palestinian scientist specializing in water issues has said that Israel receives an average of 94 per cent of the renewable water of the western basin of the West Bank. He also said that the Palestinians in the West Bank were not allowed to use the water from winter floods and were prevented from building dams. The scientist complained that Jewish settlers dumped piles of solid waste and soil at the entrance of the villages close to groundwater wells, a practice that polluted the water and rendered it unsuitable for drinking. 60/

Notes

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4/ Ibid., p. 3.

5/ The Jerusalem Post, 19 October 1995.

6/ Ha'aretz, 15 February 1996.

7/ Ibid., 26 December 1995.

8/ Ibid., 8 December 1995.

9/ Yedioth Aharonoth, 26 November 1995.

10/ Al-Ittihad, 14 December 1995.

11/ The Jerusalem Post, 31 August 1995.

12/ Al-Quds, 25 January 1996.

13/ Al-Nahar, 8 December 1995.

14/ Ha'aretz, 25 January 1996.

15/ Al-Nahar, 11 January 1996.

16/ Ha'aretz, 8 December 1995.

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20/ Ibid., 31 October 1995.

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25/ Al-Quds, 3 March 1996.

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33/ Al-Quds, 4 April 1995.

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47/ Al-Quds, 7 March 1996.

48/ Foundation for Middle East Peace, op. cit. (September 1995), p. 5.

49/ Ha'aretz, 8 December 1995.

50/ Al-Ittihad, 15 February 1996.

51/ Ibid., 14 December 1995.

52/ Ha'aretz, 26 January 1996.

53/ Yedioth Aharonoth, 9 February 1996.

54/ Foundation for Middle East Peace, op. cit. (September 1995), p. 3.

55/ The Jerusalem Post, 13 February 1996.

56/ Ibid., 31 August 1995.

57/ Ibid., 19 July 1995.

58/ Ibid., 20 July 1995.

59/ Ibid., 20 August 1995.

60/ Ar Rai, 30 January 1996.